

NOV 24 2006

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)

Docket No.
LVIP:108US

In Re Application Of: Lihl et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/734,566	12/12/2003	Kenneth E. Peterson	24041	3724	1877

Invention: APPARATUS FOR CUTTING SPECIMENS HAVING AN AUTOMATIC PRESETTING APPARATUS

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated October 27, 2006 finally rejecting Claim(s) 2-7 and 9

The fee for this Notice of Appeal is: \$500.00

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0822
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: November 22, 2006

Thad G. McMurray
Registration No. 58,725
Simpson & Simpson, PLLC
5555 Main Street
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Telephone No. 716-626-1564

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on November 22, 2006

(Date)

Signature of Person Mailing Correspondence

Thad G. McMurray

Typed or Printed Name of Person Mailing Correspondence

cc: TGM/

Adjustment date: 12/20/2006 SDENBOB1
11/24/2006 SSESHET 00000122 500822 10734566
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P13LARGE/REV09

BEST AVAILABLE COPY**SIMPSON & SIMPSON, PLLC**

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FACSIMILE COVER SHEET

To: Office of Finance, Mail Stop 16
Director of the US Patent and Trademark Office

Fax #: 571-273-6500

From: Robert P. Simpson
Registration No. 33,034
c/o Elaine L. Schwartz

Date: December 4, 2006

Attorney

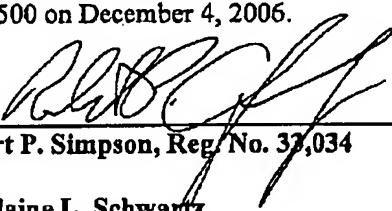
Docket No.: 297.LVIP:108-US

Your Ref: Patent Application No. 10/734,566

Pages: 3 (including cover sheet)

Message:

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Robert P. Simpson, Reg. No. 33,034

cc: Elaine L. Schwartz

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U.S. PATENT APPLICATION
Attorney Docket No. 297.LVIP:108-US

Applicant(s): LIHL, Reinhard et al Confirmation No. 1877

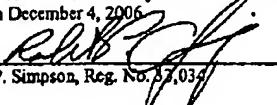
U.S. Patent Application No.: 10/734,566 Customer Number: 24041

Filed: December 12, 2003 Examiner: PETERSON, Kenneth E.

For: APPARATUS FOR CUTTING SPECIMENS HAVING AN AUTOMATIC
PRESETTING APPARATUS
TC/Art Unit: 3724

REQUEST FOR REFUND

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Robert P. Simpson, Reg. No. 37,035

Mail Stop 16
Director of the U.S. Patent and Trademark Office
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This is a Request for Refund of an erroneous charge which appears on our November 2006 Deposit Account Statement (No. 500822) for the above-identified U.S. Patent Application. More specifically, there is a charge in the amount of \$500.00 for Fee Code 1401 (Notice of Appeal -Large Entity-) on November 24, 2006 (Seq. No. 239, posting reference 10734566).

The filing fee for the Notice of Appeal \$500.00 was previously paid with Simpson & Simpson, PLLC's attorney account check number 14513 on January 20, 2006 and the Appeal Brief filing fee was paid on April 21, 2006 with attorney account check number 15101 (\$500.00). Both of these checks have cleared the bank. Copies of the

Attorney Docket No. 297.LVIP:108US
U.S. Patent Application No. 10/734,566
Request for Refund
Dated: December 4, 2006

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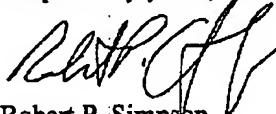
front and back of the cancelled checks may be obtained by contacting our bookkeeper,
Elaine L. Schwartz at telephone number (716) 626-1564.

Under 1204.1 of the Manual of Patent Examining Procedure (MPEP)
REINSTATEMENT OF APPEAL [R-3], it states "If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as the final Board decision has not been made on the prior appeal."

THEREFORE, since, the Notice of Appeal fee has already been paid, Attorney for Applicant respectfully requests that the erroneous, aforementioned fee of \$500.00, be credited back to Deposit Account No. 500822.

Dated: December 4, 2006

Respectfully yours,



Robert P. Simpson
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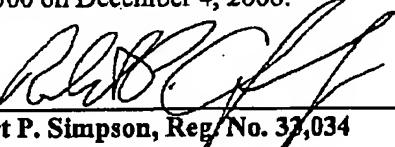
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Robert P. Simpson, Reg. No. 33,034

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